UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER
WALSH, JOHN B

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/727,471	SWANSON ET AL.
	Examiner	Art Unit	
	John B. Walsh	2451	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 September 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11 and 13-25</u> is/are rejected.

7)☒ Claim(s) <u>12 and 26</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>9/3/08</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1.   The indicated allowability of the claims is withdrawn in view of the newly discovered

reference(s) to USPN 6,636,888. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1- 8, 10, 11, 13-15, 17-20, 24 and 25 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent No. 6,636,888 to Bookspan et al.

As concerns claim 1, a method for communicating real time data streams between a

plurality of virtual meeting attendees over a digital data network comprising the steps of:

receiving a plurality of real time data streams that include a first and a second real time data

stream (col. 5, lines 50-62; audio and video data) communicated from at least one attendee

computer at each of a plurality of virtual meeting attendees (fig. 3-schedule broadcast/meeting);

linking said first real time data stream from each of the plurality of virtual attendees to a first

network interface (fig. 19, 53; also "interface" could be sound or video card -col. 9, lines 13-18-

computers have sound and video cards; or ports inherent to the network device) that is separate

from said at least one attendee computers (applicant's specification p. 5 discloses broadest

reasonable interpretation of "interface" to cover both software and hardware and the interface being at the computer); linking said second real time data stream from each of said plurality of virtual meeting attendees to a second network interface (fig. 19, 53; also "interface" could be sound or video card -col. 9, lines 13-18-computers have sound and video cards) that is separate from said at least one attendee computers (applicant's specification p. 5 discloses broadest reasonable interpretation of "interface" to cover both software and hardware and the interface being at the computer); and, allowing a requestor to selectively link to one but not the other of said first and said network interfaces (fig. 1, 116; fig. 5, 322, 324-select audio, video or both; col. 8, lines 50-62).

As concerns claim 2, a method as defined by claim 1 and further including the steps of recording the usage (col. 9, line 2; 325-recording section; 340) of said requestor.

As concerns claim 3, a method as defined by claim 2 wherein the step of recording said usage includes recording the time that selectively links to each of said one or more of said first and said second interface, and of recording the time said requestor disconnects from each of said one or more first and second network interfaces (col. 10, lines 45-53; col. 15, lines 14-22).

As concerns claim 4, a method as defined by claim 2 wherein the step of recording said usage includes recording the amount of data consumed by said requestor (inherent recorded data will be a certain amount).

As concerns claim 5, a method as defined by claim 1 wherein said first real time data stream is audio data (322) and said second real time data stream is video data (324).

As concerns claim 6, a method as defined by claim 1 wherein said plurality of real time data streams further includes a third real time data stream (col. 9, lines 57-64), and further

including the step of linking said third real time data stream from each of said plurality of

virtual meeting attendees to a third network interface (col. 9, lines 57-64; 332).

As concerns claim 7, a method as defined by claim 6 wherein said plurality of real time

data streams includes a total of n streams (audio, video, and/or email), and further including the

step of linking each of said n streams from each of said virtual meeting attendees to one of n

network interfaces (fig. 19, 53; also "interface" could be sound or video card -col. 9, lines 13-

18-computers have sound and video cards), where n is any positive integer.

As concerns claim 8, a method as defined by claim 7 wherein said first real time data

stream from said n streams is video data (col. 20, line 29), wherein said second real time data

stream from said n streams is audio data (col. 20, line 29), wherein said third real time data

stream from said n streams is application data (col. 20, line 29-presentation slides), and wherein

a fourth real time data stream from said n streams is auxiliary data (email data; col. 9, lines 57-

64; 332).

As concerns claim 10, a method as defined by claim 1 wherein said first and second

interfaces are each one port (inherent for network device to have ports, software defined

destination points at a host computer that are attached to processes enabling data transmission).

As concerns claim 11, a method as defined by claim 1 wherein said first and second

interfaces are each a plurality of ports (inherent for network device to have ports, software

defined destination points at a host computer that are attached to processes enabling data

transmission).

As concerns claim 13, a method as defined by claim 1 wherein said plurality of virtual

meeting attendees are a first plurality of virtual meeting attendees at a first virtual meeting, and

wherein the method further includes the steps of: receiving a second plurality of real time data streams from each of a second plurality of attendees of a second virtual meeting (another meeting at another point in time; col. 2, lines 49-53), said second plurality of real time data streams from each of said second plurality of virtual meeting attendees including a first and a second real time data stream (col. 5, lines 50-62; audio and video data); linking only said first real time data stream (fig. 1, 116; fig. 5, 322, 324-select audio, video or both; col. 8, lines 50-62) from said second plurality of data streams from each of said second plurality of second virtual meeting attendees to a third network interface (a third port); and, linking only said second real time data stream (fig. 1, 116; fig. 5, 322, 324-select audio, video or both; col. 8, lines 50-62) from each of said second plurality of second virtual meeting attendees to a fourth network interface (a fourth port).

As concerns claim 14, a method as defined by claim 13 wherein said first real time data streams from each of said first plurality of first virtual meeting attendees and said first real time data streams from each of said second plurality of second virtual meeting attendees are video data streams (324), and wherein said second real time data streams from each of said first plurality of first virtual meeting attendees and said second real time data streams from each of said second plurality of second virtual meeting attendees are audio data streams (322).

As concerns claim 15, a method as defined by claim 1 wherein said plurality of virtual meeting attendees are physically present (inherent attendees would be physically present to capture their image on the camera) in a plurality of conference rooms, each of said conference rooms having a plurality of cameras (col. 21, line 52) for communicating a plurality of real time video streams.

As concerns claim 17, a method as defined by claim 1 wherein at least one of said first and second network interfaces is an interface between unicast (only one other attendee) and multicast communications (col. 14, line 4).

As concerns claim 18, a method as defined by claim 1 and further including the preliminary step of querying each of said plurality of virtual meeting attendees to identify said first and second real time data streams (fig. 14 - 1204,1208; fig. 5-settings for determining communication).

As concerns claim 19, a method for linking data communications between a plurality of users in a virtual meeting on a data network, the method comprising the steps of: designating a first network interface (fig. 19, 53; also "interface" could be sound or video card -col. 9, lines 13-18-computers have sound and video cards; or ports inherent to the network device) for communicating real time video data (324) streams; designating a second network interface (fig. 19, 53; also "interface" could be sound or video card -col. 9, lines 13-18-computers have sound and video cards; or ports inherent to the network device) for communicating real time audio data (322) streams; querying (fig. 14 - 1204,1208; fig. 5-settings for determining communication) the plurality of users to determine what types of real time data streams each of said plurality of users will communicate to and from the network, said types of data including at least video and audio data; and, linking each individual of said plurality of users to one or both of said first and second network interfaces depending on what types of data said each individual of said plurality of users selected (fig. 1, 116; fig. 5, 322, 324-select audio, video or both; col. 8, lines 50-62).

As concerns claim 20, a method as defined by claim 19 and further including the steps of recording the usage (col. 9, line 2; 325-recording section; 340) by each of said users of each of said first, second, third or fourth network interfaces.

As concerns claim 24, a computer program product for linking data communications between a plurality of users in each of a plurality of virtual meetings on a data network, the program product comprising computer executable instructions stored on a computer readable medium that when executed cause one or more computers to: receive a first plurality of real time data streams from each of a plurality of first meeting attendees (col. 2, lines 49-53), said plurality of real time data streams including at least one real time video (324) data stream and at least one real time audio (322) data stream from each of said plurality of first meeting attendees; receive a second plurality of real time data streams from each of a plurality of second virtual meeting attendees, said second virtual meeting occurring at least partially concurrently with said first virtual meeting, said second plurality of real time data streams including at least one real time video (324) data stream and at least one real time audio (322) data stream from each of said second virtual meeting attendees; link only said real time video data streams from said plurality of first meeting attendees to a first network interface and linking only said real time audio data streams (fig. 1, 116; fig. 5, 322, 324-select audio, video or both; col. 8, lines 50-62) from said plurality of first meeting attendees to a second network interface (a second port; inherent for processes to have multiple ports); link only said real time video (fig. 1, 116; fig. 5, 322, 324-select audio, video or both; col. 8, lines 50-62) data streams from said plurality of second meeting attendees to a fourth network interface (a fourth port) and linking only said real time audio data (fig. 1, 116; fig. 5, 322, 324-select audio, video or both; col. 8, lines 50-62)

streams from said plurality of second meeting attendees to a fifth network interface (a fifth

port); and allow a requestor (fig. 5-settings for determining communication) to selectively

choose which of said interfaces to receive data streams from.

As concerns claim 25, a computer program product as defined by claim 24 wherein the

program instructions further cause the one or more computers to assign an identifier (inherent to

have an identifier for sending data to its desired destination) to each of said first, second, third

and fourth interfaces, said identifier having inherent knowledge that describes the content of the

data streams linked thereto.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,636,888 to Bookspan et al., as applied to claim 1 above, in view of U.S. Patent No. 5,991,385

to Dunn et al.

Bookspan et al. '888 do not explicitly disclose a bridge.

Dunn et al. '385 teach a bridge (14; col. 4, lines 38-40).

It would have been obvious to one having ordinary skill in the art at the time of the

invention to provide the system of Bookspan et al. '888 with a bridge comprising ports, as taught

by Dunn et al. '385, in order to provide a separate device for interfacing multiple connections. It

has been held that constructing a formerly integral structure in various elements involves only

routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177, 179. Furthermore, such a

modification is a combination of known elements yielding predictable results.

6.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

5,508,732 to Bottomley et al., as applied to claim 1 above, in view of U.S. Patent No. 6,282,206

to Hindus et al.

        Bottomley et al. '732 do not explicitly disclose a high bandwidth interface.

        Hindus et al. ' 206 teach a high bandwidth interface for a high bandwidth data stream

(abstract).

        It would have been obvious to one having ordinary skill in the art at the time of the

invention to provide the system of Bottomley et al. '732, with a high bandwidth interface, as

taught by Hindus et al. '206, in order to provide a means of more efficiently utilizing the

resources. Such a modification is a combination of known elements yielding predictable results.

7.   Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,636,888 to Bookspan et al., as applied to claim 20 above, in view of U.S. Patent No.

5,508,732 to Bottomley et al.

        Bookspan et al. 888 do not explicitly disclose calculating a usage fee.

        Bottomley et al. '732 teach a usage fee (fig. 18B).

        It would have been obvious to one having ordinary skill in the art at the time of the

invention to provide the system of Bookspan et al. '888 with usage fees, as taught by Bottomley

et al. '732, in order to provide a means of recouping costs for services. Such a modification is a combination of known elements yielding predictable results.

8.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,636,888 to Bookspan et al., as applied to claim 19 above, in view of U.S. Patent No. 7,167,552 to Shaffer et al.

Bookspan et al. '888 do not explicitly disclose allowing access only after presentation of a password.

Shaffer et al. '552 teach only allowing said users to link to secure interface after presentation of a password (fig. 4B).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of Bookspan et al. '888 with a password protected conference, as taught by Shaffer et al. '552, in order to provide a secure means of limiting access to particular attendees. Such a modification is a combination of known elements yielding predictable results.

Allowable Subject Matter

9.   Claims 12 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The
examiner can normally be reached on Monday-Thursday from 8:00-6:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would
like assistance from a USPTO Customer Service Representative or access to the automated
information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                        /John B. Walsh/
                                        Primary Examiner, Art Unit 2451